

REMARKS

This application is believed to be in condition for allowance.

Claim 8 is new and is directed to the same subject matter as claim 7. Support for claim 8 may be found in, for example, original claim 7 in view of the present specification at page 19, lines 4-8.

Claim 7 is canceled.

Claims 1-6 and 8 remain pending in the application.

The Official Action rejects claim 7 under both 35 USC §112 as being indefinite and under 35 USC §101 for reciting a use without reciting any steps involved in the process.

Claim 7 is canceled, and claim 8 is directed to the subject matter of claim 7 recited as a proper process claim under 35 USC §112, second paragraph, and under 35 USC §101.

Claim 1 is rejected under 35 USC §102(b) as being anticipated by NATION et al. (NATION). This rejection is respectfully traversed.

The position of the Official Action is that compound 3 of NATION anticipates the claims when the compound of general formula I has substituent groups defines as the following:

A is ethylene, R⁶ is methyl, X is sulphur, R¹ is an alkyl group substituted by phenyl, and both R² and R³ are hydrogen.

However, claim 1 recites a proviso that when A is ethylene, R¹-X is ortho-benzylthio, R², R³ and R⁵ are hydrogen and R⁶ is methyl, R⁴ is "other than hydrogen or methyl" (R⁴ and R⁵ are defined as being independently hydrogen or C₁-C₆ alkyl). Accordingly, compound 3 differs from the claimed invention in that the "R⁴" is hydrogen.

Therefore, NATION cannot anticipate claim 1, and withdrawal of the rejection is respectfully requested.

Claims 1-3, 5 and 6 are rejected under 35 USC §103(a) as being unpatentable over NATION. This rejection is respectfully traversed.

NATION is offered for the reasons discussed above. However, as NATION fails to disclose the claimed compound of formula I, and NATION fails to suggest the pharmacological activity of such a compound, there would be no suggestion to modify NATION in order to arrive at the claimed compounds of the present invention. Accordingly, NATION cannot render obvious claims 1-3, 5 and 6, as well as new claim 8, and withdrawal of the rejection is respectfully requested.

Claim 4 is rejected under 35 USC §103(a) as being unpatentable over NATION. This rejection is respectfully traversed.

The position of the Official Action is that NATION teaches a process of preparing the compound of claim 1. However, as discussed above, NATION fails to disclose or suggest the

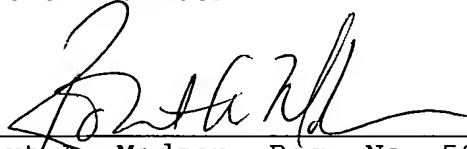
compound consistent with the structure suggested by the proviso recitation of claim 1. Accordingly, NATION cannot render obvious the method of claim 4, and withdrawal of the rejection is respectfully requested.

In view of new claim 8, as well as the foregoing remarks with respect to claims 1-6, applicants believe that the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Robert A. Madsen, Reg. No. 58,543
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

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